

1 ROBERT W. FREEMAN
Nevada Bar No. 3062
2 JENNIFER A. TAYLOR
Nevada Bar No. 6141
3 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
4 Las Vegas, Nevada 89118
Telephone: (702) 893-3383
5 Fax: (702) 893-3789
E-Mail: Robert.Freeman@lewisbrisbois.com
6 E-Mail: Jennifer.A.Taylor@lewisbrisbois.com
7 *Attorneys for Defendant State Farm Fire and*
8 *Casualty Company, erroneously sued as*
State Farm Mutual Automobile Insurance
Company

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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 DERWIN EVANS, individually,
13 Plaintiff,

14 v.

15 STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
corporation; DOES I-X, inclusive; and ROE
16 CORPORATIONS I-X, inclusive,

17 Defendants.
18

CASE NO.: 2:22-cv-00448-ART-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[THIRD REQUEST]

19 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of
20 record, hereby stipulate and request that this Court extend discovery in the above-captioned case by
21 fifty-nine (59) days, up to and including Friday, September 15, 2023. In addition, the parties request
22 that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be
23 extended pursuant to the Local Rules. In support of this Stipulation and Request, the parties state
24 as follows:

25 **DISCOVERY COMPLETED**

- 26 1. On February 3, 2022, Plaintiff filed her Complaint.
27 2. On March 17, 2022, Defendant removed the case to the U.S. District Court.
28 3. On March 18, 2022, Defendant filed its Answer to Plaintiff's Complaint.

4. On April 14, 2022, the parties conducted an initial FRCP 26(f) conference.
5. On April 28, 2022, Plaintiff served his FRCP 26 Initial Disclosures.
6. On May 10, 2022, Defendant served its FRCP 26 Initial Disclosures.
7. On May 13, 2022, Defendant served written discovery on Plaintiff. Plaintiff served his written discovery responses on June 15, 2022.
8. On August 23, 2022, Plaintiff served his First Supplement to his FRCP 26 Disclosures.
9. On September 14, 2022, Plaintiff served written discovery on Defendant State Farm. State Farm's served its responses on November 16, 2022.
10. On November 18, 2022, Plaintiff served his Second Supplement to his FRCP 26 Disclosures.
11. On February 16, 2023, Defendant served its Third Supplement to FRCP 26 Disclosures.
12. The deposition of State Farm Representative John Hall is scheduled on July 11 2023.
13. On March 6, 2023, Defendant served its Fourth Supplement to FRCP 26 Disclosures.
14. On May 15, 2023, Plaintiff served his Fifth Supplement to FRCP 26 Disclosures.
15. On May 18, 2023, the parties served their initial expert disclosures.
16. On May 19, 2023, Plaintiff served his Fifth Supplement to FRCP 26 Disclosures.
17. The deposition of Plaintiff is scheduled on June 22, 2023.

DISCOVERY REMAINING

1. The parties will continue participating in written discovery.
2. Defendant will continue to collect Plaintiff's medical records.
4. Defendant will depose Plaintiff in late June 2023.
5. Plaintiff will depose State Farm's representatives.
6. Plaintiff will depose Defendant's FRCP 30(b)(6) witness(es).

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7. The parties may depose any and all other witnesses ascertained through discovery, such as potentially including Plaintiff's medical treatment providers and claims adjusters.

8. The parties will designate expert witnesses and may conduct depositions of those expert witnesses.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, the parties seek this extension solely for the purpose of allowing sufficient time to conduct discovery.

The parties have been co-operative and diligent in moving the case forward: participating in a reasonable amount of discovery, including exchanging their initial lists of witnesses and documents; propounding written discovery requests and preparing written responses thereto; and co-operating with records procurement and disclosures. Next, the parties will also proceed with the deposition of Plaintiff, treating provider depositions and the depositions of State Farm Representatives, as well as expert discovery. The following depositions are scheduled:

Plaintiff's deposition	June 22, 2023
Defendant's medical expert Dr. Daniel Lee	TBD
Defendant's fact witness John Hall	July 11, 2023
Defendant's fact witness Charles Sutherland	July 13, 2023

In addition, the depositions of Plaintiff's three (3) experts are pending. Additional time is needed to accommodate the schedules of both parties experts and fact witnesses.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3. This stipulation is made more than 21 days before the expiration of any deadlines.

This is the third request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Tuesday, July 18, 2023</i>	<i>Friday, September 15, 2023</i>
Deadline to Amend Pleadings or Add Parties	<i>Closed</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>Thursday, May 18, 2023</i>	<i>Closed</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Monday, June 19, 2023</i>	<i>Thursday, August 17, 2023</i>
Dispositive Motions	<i>Monday, August 21, 2023</i>	<i>Thursday, October 19, 2023</i>
Joint Pretrial Order	<i>Monday, September 18, 2023</i>	<i>Thursday, November 16, 2023 If dispositive motions are pending, then the parties will serve their Joint Pretrial Order within thirty days of the Court's order as to the parties' dispositive motions.</i>

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Derwin Evans v. State Farm Mutual Automobile Insurance Company
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WHEREFORE, the parties respectfully request that this Court extend the discovery period by fifty-nine (59) days from the current deadline of July 18, 2023, up to and including September 15, 2023, and the other dates as outlined in accordance with the table above.

DATED this 7th day of June, 2023.

DATED this 7th day of June, 2023.

LEWIS BRISBOIS BISGAARD &
SMITH LLP

THE POWELL LAW FIRM

/s/ Jennifer A. Taylor

/s/ Traysen N. Turner

ROBERT W. FREEMAN

PAUL D. POWELL, ESQ.

Nevada Bar No. 3062

Nevada Bar No. 7488

JENNIFER A. TAYLOR

TRAYSEN N. TURNER, ESQ.

Nevada Bar No. 6141

Nevada Bar No. 16017

6385 S. Rainbow Boulevard, Suite 600

8918 Spanish Ridge Avenue, Suite 100

Las Vegas, Nevada 89118

Las Vegas, NV 89148

*Attorneys for Defendant State Farm Fire
and Casualty Company, erroneously
sued as State Farm Mutual Automobile
Insurance Company*

Attorneys for Plaintiff Derwin Evans

ORDER

IT IS SO ORDERED:

Dated this 8th day of June, 2023.



UNITED STATES MAGISTRATE JUDGE